

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

|                            |   |              |
|----------------------------|---|--------------|
| ALTON D. BROWN,            | : |              |
| Plaintiff,                 | : |              |
|                            | : | CIVIL ACTION |
| v.                         | : | NO. 07-3771  |
|                            | : |              |
| DAVID DIGUGLIELMO, et al., | : |              |
| Defendants.                | : |              |

**ORDER**

**AND NOW**, this \_\_7th\_\_ day of January \_\_\_\_\_, 2016, it is **ORDERED** that:

- Plaintiff's Motion for Partial Summary Judgment (ECF No. 200) is **DENIED**.
- Commonwealth Defendants' Motion for Summary Judgment (ECF No. 197) is **GRANTED** **in part** and **DENIED in part**.
  - Commonwealth Defendants' Motion for Summary Judgment is **GRANTED** as to:
    - Plaintiff's environmental tobacco smoke ("ETS") future injury claim for declaratory or equitable relief, including injunctive relief, against all Defendants.
    - Plaintiff's ETS future injury claim for damages against Defendants John Nafus, Glenn Given, Robert Cox, and twenty-nine John and Jane Does.
  - Commonwealth Defendants' Motion for Summary Judgment is **DENIED** as to:
    - Plaintiff's ETS future injury claim for damages against Defendants David Diguglielmo, Scott Williamson, William Banta, Dereck White, Charles Judge, and Jeff Zimmerman.
- The case will be set for trial by separate order.

s/Anita B. Brody

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ANITA B. BRODY, J.